IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 31092 of 2006(B)

PETITIONER:

C.GIRIJA, AGED 41 YEARS, P.D. TEACHER,
KULAKKADA VOCATIONAL HIGHER SECONDARY SCHOOL IN
KOTTARAKKARA EDUCATION DISTRICT IN KOLLAM
REVENUE DISTRICT.

BY ADV. SRI.PADAYATTEE YELDO

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY, KOLLAM.

3. SMT.P.J.SARASWATHY AMMA, PRINCIPAL,
GOVT. VOCATIONAL HIGHER SECONDARY SCHOOL,
KULAKKADA, KOTTARAKKARA, KOLLAM DISTRICT.

R1 & R2 BY GOVT. PLEADER (SHRI A.J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C NO. 31092 OF 2006 B

Dated this the 27th November, 2006

JUDGMENT

Case of petitioner, in brief, is as follows:

She entered service as Lower Primary School Teacher with effect from 29.12.1992. While she was working in the Government V.H.S.S., Kulakkada, she was transferred to the Govt. L.P. School, Poovattoor West. She made an application for getting transfer to the present School. She joined duty and she was transferred from the Govt. L.P.School, Poovattoor West to Kulakkada VHSS. Thereafter, that order came to be cancelled and she was re-posted in the Poovattoor East L.P. School. That was challenged before this Court in W.P.(C) No.16373/06. Ext.P1 is the interim order passed therein, as per which it is ordered as follows:

> *"Ext.P4 in so far as it related to the petitioner shall be kept in abeyance, in case the petitioner has not been relieved."*

2. It is the case of petitioner that thereafter the Writ Petition was disposed of directing second respondent to take a decision in the matter after giving an opportunity to petitioner to be heard. By Ext.P2, however, the second respondent, Deputy Director of Education, Kollam addressed the Headmaster, Govt. VHSS, Kulakkada stating, inter alia, that this Court has disposed of the Writ Petition with a direction to the office to take a decision in the matter within two weeks. Thereafter, it is stated that in these circumstances, the undersigned directs the Headmaster, Govt. VHSS, Kulakkada to implement the order dated 16.6.2006 and to relieve the petitioner immediately with a direction to join duty in Poovattoor East LP School. Petitioner contends that, it is in violation of this Court's Order and without hearing her and the action is arbitrary.

3. I heard the learned Government Pleader also. Learned Government Pleader submits that actually this Court had, by the Judgment, directed that the petitioner should be heard. It is only on account of a communication gap that Ext.P2 order has been

passed in the manner in which it is passed, he contends. In such circumstances, I feel that Ext.P2 cannot be sustained and the matter has to be re-considered as was directed in the earlier Writ Petition. Accordingly, Ext.P2 is quashed and the second respondent is directed to consider the matter afresh after hearing petitioner and take a decision in accordance with law, within a period of two weeks from the date of production of a copy of this Judgment.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

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